

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Nos. 24-4435 and 24-4436

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DAMIAN EARL ROSS,

Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

**APPELLANT'S SECOND MOTION TO ENLARGE TIME OF BRIEFING
ORDER [UNOPPOSED]**

NOW COMES the Defendant-Appellant, through undersigned counsel, and moves the Court to enlarge the time in which to file the Joint Appendix and opening Brief in this matter. In support of this motion, undersigned counsel shows unto the Court:

1. This is a direct appeal by a Defendant of the guilty pleas and concurrent sentences for two cases of bank larceny in violation of 18 U.S.C. § 2113(b).
2. The Joint Appendix and opening Brief are due to be filed on November 27, 2024.
3. Appellate counsel for Mr. Ross is a solo practitioner.

4. In addition to appellate counsel's caseload in the Middle District of North Carolina courts, undersigned counsel has completed his portion of the consolidated opening brief for Darrell Larod Crockett in an appeal following a trial in the District Court of South Carolina in the matter of *United State v. Carl Mann, II, Gabriel L'ambiance Ingram, and Darrell Larod Crockett*, 23-4447 (L), 23-4448 and 23-4630. The consolidated opening brief was filed with the Court on November 8, 2024.
5. Appellate counsel has also prepared a Joint Appendix and an opening brief in the matter of *United States v. Kevin Jamir Miles*, 24-5406. On November 25, 2024, the opening Brief was submitted to Counsel Press for filing with the Court.
6. Due to his above-referenced circumstances, Mr. Ross' appellate counsel has not had sufficient time to review pertinent court records, conduct the appropriate legal research, and prepare the opening Brief and Joint Appendix in the instant matter by October 28, 2024.
7. Undersigned counsel has conferred with Julie Niemeier, the Assistant United States Attorney representing the Government in this appeal, regarding whether the Government has any objection to the Court granting Defendant-Appellant's motion to enlarge the time to file the Joint Appendix and opening Brief. Ms. Niemeier has indicated that the

Government has no objection to the Court granting this motion to enlarge the time to file the Joint Appendix and opening Brief.

WHEREFORE, the Defendant-Appellant requests that the Court enlarge the time in which to file the Joint Appendix and opening Brief for a period of one month.

Respectfully submitted, this the 26th day of November 2024.

/s/Brian Michael Aus
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Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed via Fourth Circuit CM/ECF, which will deliver notice to the following CM/ECF user:

Julie Niemeier
Assistant United States Attorney
Middle District of North Carolina

This is the 26th day of November 2024.

/s/Brian Michael Aus
Brian Michael Aus